

REMARKS

Reconsideration and allowance are respectfully requested. Claims 1 and 13 have been amended. Claims 1-23 remain pending.

The Examiner objected to the drawings for not showing a dump truck. A separate Drawing Change Authorization Request accompanies this Amendment providing a Replacement Sheet of FIG. 3 that shows the dump truck 25 and tire 23.

The objection to claim 11 has been corrected above.

Claims 1-7, 9-19 and 21-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Feliz in view of Williams et al. Independent claims 1 and 13 have been amended to define the invention more clearly and thus, obviate the rejection. In particular, claim 1 has been amended to recite that the wheel structure is non-powered. Claim 13 has been amended to recite that the means for supporting the body for towing is non-powered. In operation, the motive structure powers the apparatus and the wheel structure is disposed in an inoperative position. However, when the apparatus is to be moved to another location, the non-powered wheel structure (or means) is moved to an operative, ground-engaging position with the motive structure not engaging the ground. The hitch structure can be attached to a separate vehicle so that the apparatus can be towed via the wheel structure to the next location.

In Feliz, the wheels 4 are powered and are used for highway travel of the vehicle 1. See column 8, lines 57-65. The Examiner contends that Feliz teaches a hitch 316. Applicant submits that tow bar 316 of Feliz is provided merely to control the conveyor (see column 17, lines 10 to 60 of Feliz) and is not a “hitch structure constructed and arranged to be coupled to a vehicle so that the apparatus can be towed by the vehicle when the wheel structure is in the operative position thereof” as claimed. In fact, since the wheels 4 of Feliz are powered for use in highway travel, there is no need to provide a hitch in Feliz to tow his vehicle.

With regard to claims 9 and 21, there is no teaching or suggestion in Feliz of a dump truck as the source of aggregate material. In fact, Feliz teaches that his vehicle is self-loading via the scraper scoops (column 31, lines 45-66). Furthermore, Feliz does

not teach or suggest that the vehicle includes rollers “constructed and arranged to engage tires of the dump truck”. In no way are rollers 417 or 422 of Feliz constructed and arranged to engage tires of a dump truck. These rollers 417 and 422 are ground-engaging rollers.

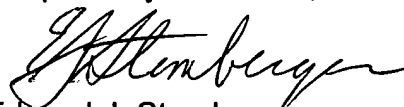
With regard to claims 12 and 23, Feliz does not teach or suggest a lift jack constructed and arranged to lift a portion of the body with respect to the ground to enable the hitch structure to be in a position to be coupled with a vehicle for towing of the apparatus. As noted above, the vehicle of Feliz is not intended to be towed.

For these reasons, claims 1 and 13 and the claims that depend there-from are considered to be allowable over the prior art of record.

Claims 8 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Feliz and Williams and further in view of Vangaever. These claims depend from independent claims 1 and 13, respectively, and are considered to be allowable for the reasons advanced above, and for the additional reason that the added subject matter is not taught or suggested by the prior art of record.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



Edward J. Stemberger
Registration No. 36,017
Phone: 202.261.1014

Customer No. 20736